

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

	)	
	)	
CHARLES R. BURLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-701-SLR
	)	Jury Trial Demanded
RAFIEL WILLIAMS	)	
and WILLIAM JOYCE,	)	
	)	
Defendants.	)	

**DEFENDANT’S MOTION FOR ENLARGEMENT OF TIME  
OUT OF TIME PURSUANT TO FED. R. CIV. P. 6(b)(2)**

Defendant Raphael Williams, by and through undersigned counsel, respectfully moves this Honorable Court to enter an Order granting an enlargement of ten days within which to file a response to Plaintiff’s Complaint. In support of this motion, Defendant offers the following:

1. On November 20, 2006, Plaintiff filed this Complaint. (D.I.1).
2. On or about October 9, 2007, Defendant Raphael Williams signed and returned a Waiver of Service with an answer due on December 4, 2007. (D. I. 13).
3. Defense counsel had anticipated being able to file an Answer by December 4, 2007. Response to Plaintiff’s Complaint requires the collection and review of records for an accompanying affidavit with Plaintiff’s Answer. In addition, the press of other litigation and its accompanying time constraints have created the need for more time to review records and draft the Defendant’s Answer.
4. Counsel has just received the necessary affidavit. Counsel therefore requests an enlargement of ten (10) days from the December 4, 2007, deadline for filing a response until

today, December 14, 2007.

5. There is no trial date scheduled in this case.

6. A form of order is attached to this motion that will grant the Defendant a ten (10) day extension from the December 4, 2007, deadline until today, December 14, 2007, in which to file Defendant's response.

WHEREFORE, the Defendant respectfully requests that this Honorable Court grant his Motion and enter an Order, substantially in the form attached hereto, enlarging Defendant's time until today, December 14, 2007, in which to file Defendant's *Answer to Complaint*.

DEPARTMENT OF JUSTICE  
STATE OF DELAWARE

/s/ Catherine Damavandi  
Catherine Damavandi, ID #3823  
Deputy Attorney General  
820 N. French St. 6<sup>th</sup> Fl.,  
Wilmington, DE 19801  
(302)577-8400  
Attorney for Defendant Raphael Williams

Dated: December 14, 2007

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CHARLES R. BURLEY,

Plaintiff,

V.

RAFIEL WILLIAMS  
and WILLIAM JOYCE,

Defendants.

C.A. No. 06-701-SLR  
Jury Trial Demanded

## ORDER

This \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, IT IS HEREBY ORDERED, that Defendant Raphael Williams' *Motion for Enlargement of Time Out of Time* is **GRANTED** and, Defendant Raphael Williams has filed simultaneously with this Motion his *Answer to Complaint*.

The Honorable Sue L. Robinson  
United States District Court Judge

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and WILLIAM JOYCE,	)	
	)	
Defendants.	)	

**7.1.1 CERTIFICATION OF COUNSEL**

The counsel for Defendant Raphael Williams, Deputy Attorney General Catherine Damavandi, files this certification in compliance with Rule 7.1.1 of the Local Rules of Civil Procedure and certifies that:

1. Plaintiff is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. Since the Plaintiff is not able to be reached by telephone, counsel for the Defendant has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes the motion is opposed.

DEPARTMENT OF JUSTICE  
STATE OF DELAWARE

/s/ Catherine Damavandi  
Catherine Damavandi, ID #3823  
Deputy Attorney General  
820 N. French St. 6<sup>th</sup> Fl.,  
Wilmington, DE 19801  
(302)577-8400  
Attorney for Defendant Raphael Williams

Dated: December 14, 2007

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and WILLIAM JOYCE,	)	
	)	
Defendants.	)	

***CERTIFICATE OF SERVICE***

I hereby certify that on December 14, 2007, I electronically filed the attached *Motion for Enlargement of Time Out of Time* with the Clerk of Court using CM/ECF. I hereby certify that on December 14, 2007, I have mailed by United States Postal Service, the document to the following non-registered party:

Charles R. Burley  
SBI#141273  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Catherine Damavandi  
Catherine Damavandi, ID#3823  
Deputy Attorney General  
Department of Justice  
Carvel State Bldg., 6<sup>th</sup> Fl.,  
820 N. French Street  
Wilmington, DE 19801  
Attorney for Defendant Raphael Williams